

HOUSE No. 1643

By Mr. Petersen of Marblehead, petition of Douglas W. Petersen and others relative to emergency contraception for victims of sexual assault or rape. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Douglas W. Petersen	Steven M. Walsh
Ellen Story	Anthony J. Verga
Martin J. Walsh	Carl M. Sciortino, Jr.
Alice K. Wolf	Martha M. Walz
Peter J. Koutoujian	Frank I. Smizik
Pamela P. Resor	Peter V. Kocot
Patricia D. Jehlen	Tom Sannicandro
Jay R. Kaufman	John W. Scibak
J. James Marzilli, Jr.	Gale D. Candaras
Elizabeth A. Malia	Denis E. Guyer
Kay Khan	Cory Atkins
Michael A. Costello	Harriett L. Stanley
Ruth B. Balser	Kathi-Anne Reinstein
David Paul Linsky	Shirley Owens-Hicks
James B. Eldridge	Alice Hanlon Peisch
Byron Rushing	Susan W. Pope
Michael E. Festa	Patricia A. Walrath
Barbara A. L'Italien	Christine E. Canavan
Paul J. Donato	Patricia A. Haddad
Bruce E. Tarr	Louis L. Kafka
Deborah D. Blumer	David M. Torrisi
Mary E. Grant	Barry R. Finegold
Theodore C. Speliotis	Jennifer L. Flanagan
Joyce A. Spiliotis	John D. Keenan
Benjamin Swan	Robert P. Spellane
Rachel Kaprielian	Anne M. Paulsen
Shirley Gomes	Donald F. Humason, Jr.
Eric Turkington	William M. Straus
Mary S. Rogeness	Mark V. Falzone

Thomas M. Stanley
Gloria L. Fox
Matthew C. Patrick

Demetrius J. Atsalis
Cheryl A. Rivera
Garrett J. Bradley

In the Year Two Thousand and Five.

AN ACT TO PROVIDE TIMELY ACCESS TO EMERGENCY CONTRACEPTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 97B of chapter 41 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby further amended
3 by inserting at the end of the second paragraph after line 23 the
4 following sentence:—

5 Each kit shall include medically and factually accurate written
6 information prepared by the commissioner of public health about
7 emergency contraception.

1 SECTION 2. Section 70E of chapter 111 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby further
3 amended by inserting after line 99 the following new para-
4 graph:—

5 (o) to receive medically and factually accurate written informa-
6 tion prepared by the commissioner of public health about emer-
7 gency contraception; to be promptly offered emergency
8 contraception; and to be provided with emergency contraception
9 upon request, if the patient is a female rape victim of childbearing
10 age.

1 SECTION 3. Section 70E of chapter 111 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby further
3 amended by inserting after line 161 the following new para-
4 graph:—

5 Every patient who is a female rape victim, who is of child-
6 bearing age and who presents at a facility after a sexual assault
7 shall promptly be provided with medically and factually accurate
8 written information about emergency contraception prepared by

9 the commissioner of public health. A facility shall require all per-
10 sons who provide care to victims of sexual assault to be provided
11 with medically and factually accurate written information about
12 emergency contraception prepared by the commissioner. It shall
13 be the standard of care for facilities that provide emergency care
14 to promptly offer emergency contraception at the facility to each
15 female rape victim of childbearing age, and to initiate emergency
16 contraception upon her request.

1 SECTION 4. Chapter 94C of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby further amended by inserting
3 the following new section:—

4 Section 19A. As used in this section the following words shall,
5 unless the context clearly requires otherwise have the following
6 meanings:—

7 “Emergency contraception,” any drug approved by the Federal
8 Drug Administration as a contraceptive method for use after
9 sexual intercourse.

10 Notwithstanding any other provision of law, a licensed pharma-
11 cist may initiate emergency contraception drug therapy manage-
12 ment in accordance with written, standardized procedures or
13 protocols developed by a physician registered with the commis-
14 sioner to distribute or dispense a controlled substance in the
15 course of professional practice pursuant to section 7 of this
16 chapter, provided that such procedures or protocols are filed at the
17 pharmacist’s place of practice and with the board of registration of
18 pharmacy before implementation.

19 Prior to initiating pharmacy emergency contraception drug
20 therapy management authorized under this section, a pharmacist
21 shall have completed a training program approved by the commis-
22 sioner on emergency contraception, which training includes but is
23 not limited to quality assurance, referral to additional services and
24 documentation.

25 The department of public health shall promulgate regulations
26 regarding the implementation of this section.